

## Message Text

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ORIGIN AF-04

INFO OCT-01 ISO-00 /005 R

66604

DRAFTED BY AF/N:RFSMITH:EW

11/15/73 EXT. 20624

APPROVED BY AF/N:RFSMITH

AF/N:GMLANE

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R 152130Z NOV 73

FM SECSTATE WASHDC

TO AMEMBASSY RABAT

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FOR ASSISTANT SECRETARY NEWSOM

FOLLOWING SENT SECSTATE WASHDC INFO BRUSSELS BEIRUT FROM  
KHARTOUM 15 NOV 73:

QUOTE LIMITED OFFICIAL USE KHARTOUM 2480

USIA FOR IBS; IPS AND INE

BEIRUT FOR VOA ROBERTS

E.O. 11652: N/A

TAGS: PINS SU

SUBJ: KHARTOUM ASSASSINATION: MAGISTERIAL INQUIRY

REF: KHARTOUM 2435

1. BEGIN SUMMARY: MAGISTERIAL INQUIRY CONVENED NOV. 15.  
NEXT SESSION SCHEDULED FOR NOV. 18 FOLLOWING MAGISTRATE  
CONSIDERATION DEFENSE/PROSECUTION BRIEFS THAT (A) PROCEEDINGS  
SHOULD BE SUMMARY OR NON-SUMMARY, AND (B) WHETHER  
DEFENDANTS HAVE RIGHT TO ADDRESS COURT DIRECTLY. END SUMMARY.

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2. THE PROCEEDINGS. EMB OBSERVERS REPORT NOV. 15

SESSION BEGAN TWO HOURS LATE AND LASTED ABOUT TWO HOURS. ASSASSINS ENTERED HALL SHOUTING PRO-PALESTINE AND ANTI-US SLOGANS, BUT THERE WAS NO RESPONSE FROM PALESTINIAN STUDENTS IN GALLERY (IN CONTRAST TO SEPT. 25 SESSION). SECURITY ON ACCESS TO HALL IMPROVED BUT ATTENDEES (INCLUDING PLO REP ABU KHEIR) PERMITTED MINGLE FREE, WITH DEFENDANTS PASSING CIGARETTES ETC. PUBLIC ATTENDANCE MUCH REDUCED FROM PREVIOUS SESSION; ABOUT 17 JOURNALISTS (MOSTLY LOCAL STRINGERS) WERE PRESENT.

3. PROCEEDING SUBSEQUENTLY ADJOURNED TO NOV. 18 TO ALLOW MAGISTRATE MUSTAFA BASHAR RENDER JUDGMENT ON TWO ISSUES CONTESTED BY PROSECUTION AND DEFENSE: SUMMARY VS. NON-SUMMARY PROCEDURE AND RIGHT OF DEFENDANTS TO ADDRESS COURT DIRECTLY.

A. SUMMARY VS. NON-SUMMARY. PROSECUTION STRESSED NEED FOR SUMMARY PROCEDURE (WHICH IS QUICKER, USES WRITTEN STATEMENTS AND AVOIDS CROSS-EXAMINATION) BASED ON EXISTENCE "CONCRETE" CASE INCLUDING EIGHT CONFESSIONS. DEFENSE CHALLENGED ON GROUND CASE NOT ESTABLISHED AND SUMMARY PROCEDURE WOULD DEPRIVE DEFENDANTS OF "RIGHT" TO IMMEDIATE RELEASE ON JURISDICTIONAL GROUNDS (AN ASSERTION REBUTTED BY PROSECUTION). THIS WAS NOT "ORDINARY" TRIAL AND UNLESS DEFENDANTS GIVEN FULL OPPORTUNITY PRESENT "POLITICAL" FACTOR AN "INJUSTICE" WOULD EXIST. MAGISTRATE REQUESTED LEGAL BRIEF FOR HIS CONSIDERATION.

B. RIGHT TO ADDRESS COURT DIRECTLY. AS EARLY POINT DEFENDANT SPOKESMAN (RIDZIK QAS) BEGAN TO READ STATEMENT JUSTIFYING THEIR ACT ON DEVELOPMENTS IN MIDDLE EAST INCLUDING US ARMS RESUPPLY OF ISRAEL AND BELGIAN ARMS FACTORY FOR ISRAEL. AFTER SEVERAL MINUTES MAGISTRATE STOPPED RIDZIK DEMANDING HALT TO REFERENCES TO US AND BELGIUM PROSECUTION FOLLOWED BY CHALLENGING RIGHT DEFENDANTS ADDRESS COURT AND NOTED THAT, IN ANY CASE, OPPORTUNITY FOR CITING JUSTIFICATION COMES AT LATER STAGE IN JUDICIAL PROCESS. RIDZIK CONTINUED BY REBUTTING PROSECUTION TO EFFECT THAT DEFENDANTS WERE NOT KILLERS AND THAT "ANYONE WHO SAYS SO IS A ZIONIST OR US AGENT". HE ADDED DEFENDANTS WERE APPEARING IN COURT VOLUNTARILY AND COULD HAVE AVOIDED IT BY EXERCISING THEIR "RIGHTS". MAGISTRATE INFORMED DEFENDANTS PURPOSE OF JUDICIAL PRO-LIMITED OFFICIAL USE

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CEASURE IS TO ESTABLISH GUILT OR INNOCENCE; ASKED FOR BRIEFS ON RIGHT OF DEFENDANTS TO ADDRESS COURT OR NOT. (MEANING OF "RIGHTS" UNCLEAR, BUT WE UNDERSTAND PROSECUTION PRIVATELY INTERPRETED IT TO IMPLY THREAT OF KIDNAPPING OR OTHER TERRORIST ACT TO FORCE RELEASE AND THUS REFERRED TO STATEMENT AS "BLACKMAIL" ATTEMPT SUFFICIENT TO JUSTIFY CONTEMPT OF COURT. HOWEVER, PROSECUTION WOULD SEEK "ESTABLISH GUILT RATHER THAT PLAY POLITICS").

3. FOR USIA/VOA: MEDIA COVERAGE SHOULD BE LIMITED TO  
FACT THAT SESSION HELD, AND THAT IT ADJOURNED TO NOV. 18  
TO PROVIDE MAGISTRATE OPPORTUNITY STUDY LEGAL ASPECTS OF  
THE TWO ISSUES NOTED PARA. 2. BREWER UNQUOTE RUSH

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## Message Attributes

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**Reference:** KHARTOUM 2435  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 04 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04-Jan-2002 by boyleja>; APPROVED <06 MAR 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
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**Review Withdrawn Fields:** n/a  
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**TAGS:** PINS, SU  
**To:** RABAT  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005